

2017

EDAD 925: Law and Higher Education—A Peer Review of Teaching Project Benchmark Portfolio

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EDAD 925: Law and Higher Education

A Peer Review of Teaching Project Benchmark Portfolio

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Abstract

This portfolio documents three learning outcomes of the EDAD925 Law and Higher Education course taught Spring 2017 in the Department of Educational Leadership. The learning outcomes include (a) understanding the role of the higher education administrator within the legal context, (b) using professional standards to inform decision-making, and (c) examining social justice concepts within professional practice in the legal context of higher education. The portfolio shows what was done and how students demonstrated learning on the outcomes. The portfolio includes suggestions of how to better address the three learning outcomes.

Keywords: Law, higher education, decision-making, social justice, professional standards

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Objectives for the Portfolio

This portfolio documents the strategies implemented during spring 2017 to support student learning. It includes the results of these strategies in EDAD 925 Law and Higher Education. There are two objectives, one is that the documentation serves as a record of what I did, what students learned, and what they didn't learn. The other objective is purposefully connecting student learning with key objectives I have refined through the process of creating this portfolio. The process of collecting data for this portfolio helped me to pay attention to the learning in the class and gaps in students' learning so that I could refine my strategies throughout the course and plan for teaching this course again in the future.

Description of the Course

The course EDAD925 is focused on higher education and the law. It covers laws related to institutions of higher education and those affecting college students. It is focused on legal issues that higher education administrators might need to understand when practicing in higher education either working directly with students or administering programs outside the classroom. The syllabus for the course is included in [Appendix A](#).

Students in this course are graduate students studying student affairs so they hope to have a professional position supporting and educating college students outside the classroom (e.g., multicultural affairs, academic advising, residence life, student organizations and leadership). Students who take the section I teach all work on campus in part time assistantships getting practical experience in higher education as part of a professional preparation program. They come from all over the country, from a range of undergraduate institutions and majors, with different social identities, cultural backgrounds, and academic preparation for graduate school. They generally have an interest in serving students and many have an interest in social justice issues. This group of students takes all their courses as a group except for two electives. This law course occurs in the final semester of their two-year sequence. This is a required course in the department for all students studying higher education at the master's or doctoral level. It does not require other courses as a prerequisite nor does it serve as a pre-requisite. The course builds on what students have learned about society and about higher education, but the specific legal concepts are generally new to students.

Course Learning Outcomes

- Understanding of the roles of higher education administrators working within the context of the law.
- Ability to apply ethical, professional, and legal criteria in administrative decision-making
- General knowledge of laws impacting higher education.
- Ability to think critically about issues in the law (apply social justice concepts)

Course Topics

1. Mass incarceration & racial discrimination in the law
2. Torts & liability
3. Free speech
4. Student rights and responsibilities
5. Residence halls and facilities
6. Copyright and other intellectual property
7. Student discipline and dismissal
8. Employment
9. Student organizations, including Greek organizations and athletics
10. Admissions and financial aid
11. Title IX
12. Approaches to gaining equity within the legal context

Format

The course meets face to face once a week for three hours at a time. Students complete reading materials prior to class. Then during class often explore scenarios that might occur in professional practice. They are expected to apply legal and professional concepts to the scenarios. The textbook is dense and written by attorneys (which we are not) so another activity sometimes during class was to work together to synthesize readings into main points students might take away from the course. Students also are asked to think about social justice implications of laws and professional practice in the legal context.

Each week, one student or a group of students chose a current news article related to course topics for the week. They provided the article to the class on Monday prior to the Wednesday meeting so that students could read it prior to class. During class, students facilitated activities of their choosing to get the class thinking about the issue and thinking about how professional standards might inform their decision-making. Example activities included discussion, small group brainstorming café style (small groups make notes and then move to see what another group has written then add to the other group's notes), and debate style presentations.

Frequently, there was an activity in class and most of those were graded. During many class periods, students responded individually to questions I provided about course materials for the week in a 3-point quiz. Also, they worked in groups to respond to specific scenarios with legal issues. Outside class, assignments included a plagiarism video, project about the role of higher education administrators, and a poster about a legal issue chosen by the students.

Teaching Methods, Course Materials, and Course Activities

Rationale for Teaching Methods

Peter Lake, who is an attorney working in higher education wrote a book for the audience of higher education administrators and student affairs educators. I assign a chapter of this book for students to read and rely on his advice for framing this course since I am not an attorney. He discusses how higher education administrators might work with legal counsel when legal issues arise. He suggests that higher education professionals not merely ask lawyers what to do, but rather, he suggests that professionals formulate some ideas based on their professional knowledge and experience and then ask the lawyer for their perspective and insights into what the options are. Lake argues that compliance is the lowest bar of measurement and suggests the goal should be an ethical and competent professional practice. He explains that competent professional practice includes legal compliance but also requires application of professional standards and insights.

Based on Lake's argument, I ask students in the course to incorporate what they learn about legal concepts in the course with other types of knowledge. Specifically, I ask them to use professional standards when thinking about legal issues. Since their program includes a focus on social justice issues they are also asked to apply concepts they have learned about social justice. This framework is intended to demonstrate to students how they might approach issues in their professional practice without limiting themselves to thinking about compliance. Three related learning objectives are explained in this portfolio and listed in [Figure 1](#).

To support students' learning about implementing social justice concepts into decision making, I started the course with reading the text, *The New Jim Crow* by Michelle Alexander. The book explains the injustice in the justice system and exposes clear racism in the war on drugs leading to mass incarceration of a growing number of brown and black people. The reading allowed students to reflect on what they hear in society about the justice system being fair and the law being impartial. It opened the door for conversations about who is served or protected by the law and who may be targeted, harmed, or not protected under laws that may seem neutral. The reading opened the door for thinking about inequities and social justice. Some students carried it through their thinking during the course. However, as is documented in later sections, these concepts were not as integrated into course activities and therefore not consistently present in students' thinking and work in the course.

In order to meet these objectives, I had students as a group, create a decision-making map. First, I had them brainstorm things that they had learned from the Lake chapter about what professionals who work within the legal context must do (e.g., consult with attorneys and incorporate professional knowledge and standards). Then, they brainstormed a list of things they learned from the Alexander reading about injustice, specifically racism in the legal system. I asked them to use what they brainstormed to create the decision-making map. As part of creating the decision map they also included elements they have learned through professional practice during their assistantships (e.g., communicating with supervisor, responding to emergencies). See one example map in [Appendix B](#).

Upon review of their map, I noticed they were not as explicit as I would have liked about including these two points (a) using professional standards to guide their practice and (b) integrating social justice concepts. After assessing this, I reiterated these points which they had included to some extent in their brainstorming. Throughout the semester students were instructed to revisit their decision-making maps and use them as tools as we considered various scenarios they might encounter in professional practice. The maps became a reminder to focus on integrating professional standards and to a lesser extent social justice concepts.

To help students achieve the learning outcome related to professional standards, I provided a number of resources from the profession (e.g., *Student Learning Imperative*, *ACPA Ethical Standards*, and *ACPA/NASPA Professional Competency Areas*). As I mentioned before, a chapter from Lake's book about student affairs and the law explained how they should integrate their professional knowledge and experience with what they can learn from lawyers and legal sources. Lake states that compliance is only a baseline but to serve college students requires professionals to use professional and ethical experience and knowledge.

My intention in providing the professional standards in required readings throughout the week, even though they've been exposed to standards in another course, and having them create the decision map was to make explicit the need to incorporate them into their analysis and response to scenarios they might face as professionals. I also wanted to give students tools to help them (i.e., the map is a framework for analysis, lists of standards are information which can be applied). I hoped that these structured ways of approaching the scenarios and resources would provide adequate scaffolding for students to achieve the learning outcomes I identified.

Changes from Previous Years

The field tends to be an application focused field and students generally like to talk about situations they might find themselves in so we examine a lot of scenarios in the course. Prior to participating in the Peer Review of Teaching program I had students respond to scenarios in small groups during class but I felt that their analyses were not rooted in course material. People liked to examine and discuss the scenarios but student feedback indicated they felt they weren't learning much, and I worried they were correct.

In response to these earlier experiences, I designed the course with specific learning objectives in mind and worked to see that they were (a) reflected in the assignments and course materials, (b) explicit in the evaluation of the assignments, and (c) made more clear to students during class instruction. In the past, I had hoped these things would occur, but I had not made them explicit in learning outcome, assignments, or course assessments. For example, in the revised course, I provided several examples of professional standards students could use in decision making. Additionally, the scenarios included specific prompts which required the groups to report about relevant professional standards. Further, the rubric for the article facilitation assigned specific points for helping students connect professional and ethical standards to the issue presented in the article. [Figure 1](#) shows selected learning outcomes for the course, related activities, and assessment approaches.

Perhaps just as important as the pedagogical changes, I adjusted the points awarded for grades so that students are graded on specific in class activities. I previously awarded a pool of points for in

class participation which were usually awarded to students unless a student failed to attend class regularly. The change to awarding points for specific activities which were evaluated signaled to students that the work that they did in the small groups was important. As a result, their preparation for class and engagement level in class seemed to improve. Midway through the course I asked students for feedback about class activities and their attitudes. One item read “When class activities are worth points towards my grade, I put more effort toward them” and many agreed or strongly agreed. The average response on a 5-point scale (1 = strongly disagree to 5 =strongly agree) scale was 3.78/5. Some also reported anxiety about being graded for work done in class. We talked about that anxiety during class. They gave me feedback about ways to help them reduce the anxiety like providing specific information about my expectations so they know what to do. Another example was allowing time prior to group activities which are graded for them to ask questions they have about the material. A final suggestion was to provide a summary of key points they should know to reinforce what they read and help them synthesize material. I incorporated some feedback in each of the remaining course periods.

One challenge to grading specific activities in class was being able listen and at the same time grade their work in an equitable way. This was a challenge for me because of how quickly everything happens, but perhaps also because I hadn’t articulated what differentiated a well-done group presentation from a mediocre or poor one. Someone in the peer review group suggested designing a simple rubric for the activities that includes basic elements related to the assignment/activity and learning outcomes. Therefore, I created a rubric that I had with me in class that included things like: vocabulary reflects course materials, major concepts in course materials utilized, professional standards referenced. During the activities, time continued to be a challenging factor, but the rubric worksheet allowed me a framework to differentiate their work, and a space to assess and note (in)consistency with my expectations. An example rubric is provided in [Appendix C](#). The rubric also helped me focus on what I was looking for in grading and provided a way for me to conceptualize and focus my feedback to students. See example feedback in [Appendix D](#). I have included comments to a group awarded an A and comments to a group who earned a B to show the differentiation of grades.

One example of in class activity was the creation of a decision-making map. This was a new activity I included. As I mentioned, students had not been doing a good job incorporating course materials into their analyses of scenarios in class. Taking the students through the activity of making a decision map based on course readings about the role of the higher education administrator and one about social justice was very engaging to students. They showed high levels of energy and interest in putting together the map (much more than if I had given them one and asked them to use it). The map provided some more scaffolding for them during analysis of scenarios to address what I had noticed as an inability to integrate course material in analysis of scenarios.

Another change from previous years was allocation of points on assignments for applicable learning outcomes. This change helped me focus on articulating what was expected in the assignment description to earn those points. It also was intended to motivate students to pay attention to those elements by drawing their attention to it and signaling its importance in the evaluation. One example was on the final poster project, I asked students to report about social justice power dynamics. This was intended to draw their attention to it, show its significance, allow

for a specific allocation of points for it on the rubric, and finally, create one way to assess the learning outcome related to social justice.

The Course and the Broader Curriculum

This is a required course in the department for all students studying higher education. The department, and similarly this course, is for graduate students only. The course is not a prerequisite or required for other courses. In the student affairs program, which is my primary assignment, this course falls in the final semester, which makes it possible to leverage and incorporate what students have learned earlier in the program like social justice concepts and professional standards. This course builds on the questions instructors in the program often ask: who benefits and who pays the cost of social systems, policies, and practices.

Figure 1. Learning Outcome, Course Activities, and Related Assessment

Course Objective	Course Activities	Assessment
Role of administrator working in the context of the law	<ul style="list-style-type: none"> • Lake reading about role of professional working within legal context. • Project to explain interpretation of role as an administrator. • Guest speaker who is an attorney and/or dean of students level professional to talk about their own experiences in the role. • Final project demonstrating multiple criteria for decisions. 	<p>Qualitative eval of roles project.</p> <p>Quantitative rubric of projects.</p> <p>Qualitative and quantitative assessment of decision map.</p>
Using professional standards to inform decision-making	<ul style="list-style-type: none"> • Brainstorming concepts from Lake and Alexander readings of what should be included in decision map. • Creating of decision map showing multiple criteria used in decision-making, other stakeholders & resources 	<p>Notes from class discussion. Qualitative assessment in class of decision-making map.</p>
Integrating concepts of social justice	<ul style="list-style-type: none"> • Readings that challenge the status quo; show social nature of the law; inequities of some legal processes • Scenarios with probing questions. • Current article facilitations. • Final projects reflect attention to power dynamics and historical /current systems of oppression. 	<p>Decision-making map.</p> <p>Quizzes</p> <p>Grading rubric from draft posters and final posters.</p>

Analysis of Student Learning

I've chosen to focus on three learning objectives for this portfolio so that I can provide multiple sources of data on each. Originally, these objectives were written differently in the syllabus, but this version which has been broken into smaller elements allows me to communicate what was done more clearly for the purposes of this portfolio. Focusing on a select few objectives for the portfolio will better allow me to go more in depth than if I were focusing on all the learning outcomes.

I had three learning objectives related to decision-making: (a) learning about the role of a student affairs administrator working within the law (b) using professional standards to inform decision-making and (c) integrating concepts of social justice. Analysis of each learning outcome and the related assessment data is provided in the next section.

Roles of Higher Educational Administrator

As mentioned previously, after reading Lake's chapter about the ways administrators should incorporate their professional wisdom when making decisions in the legal context, students completed a project to demonstrate their understanding. Examples are included in [Appendix E](#). My personal favorite submission for this assignment was written as a dear Abby type letter from a person asking for relationship advice ([Appendix E Figure 1](#)). In the letter, the persona asking for advice was describing their relationship with someone complementary but different from themselves and how to get the most out of the relationship. This student demonstrated major points of the Lake reading by focusing on how the role of higher education/student affairs professional and legal counsel will be different but through communication they can utilize their strengths and come together. This was a fun metaphor and described some of the main points about the role of the higher education professional being to work with lawyers, ask questions, and apply professional experience and knowledge. I mention this was a fun submission because my intent with this assignment is to encourage students to do something creative so that it sticks in their memory (whereas writing a short memo may have less likelihood of doing so because it may be perceived as routine). On average, students scored a 13/15 on this assignment which is a B+. Overwhelmingly students achieved the learning objective on this. The main areas where points were missed were for not providing citations, which is a common error in projects utilizing a creative, non-narrative format. Since the citation format is most easily applied to narrative, and is practiced that way, I've noticed students creating a poster, video, or poem are less likely to utilize citations even when reminded.

A small number of students did not do a good job including ideas from the Lake reading or included some ideas but didn't do more than include points from the text in a list or word cloud. See an example in [Appendix E Figure 2](#). Projects like this reflected no synthesis or communication of main ideas and therefore were awarded fewer points. Another example of a project meeting main learning objectives is provided in [Appendix E Figure 3](#). This third example done as a word cloud where the words were organized to show a higher education side, a law side, and the overlap between the two sides where they would be working together. The overlap represents the points of communication and connection between the two roles. Full points were awarded for the learning outcome related to understanding the role of the administrator (some points were deducted in

other areas). This format is missing citations but clearly demonstrated the different perspectives and roles (compared to a basic word cloud which only lists words but does not organize them).

Incorporating Professional Standards

Students individually or in pairs chose an article from the news and facilitated activities during class. The facilitation is intended to help students explore the issue and consider how professional standards might influence decision-making in professional practice. One learning outcome for this assignment was using professional standards in decision-making. Some students were good at facilitating an activity asking the class to use professional standards to inform decision-making, but others skipped that portion entirely. **Figure 2** shows the score distribution related to the learning outcome of incorporating professional standards on the article facilitation assignment. The average grade was 4.5/7 on this assignment for this learning outcome. In previous years, I attributed the students not incorporating professional standards to my not making it central to the course, however I incorporated the professional standards into assigned readings, the assignment description, and the decision-map exercise. The students who failed to integrate it during the current semester were possibly less engaged in the course and spent less time reading the assignment description and preparing for their facilitation. Many students were able to incorporate this learning outcome. As I note in the planned changes section coming up, I also can communicate the rationale and significance more clearly and consistently so that students are less likely to miss the importance of the learning outcome. It is clear to me that I told them to do it, but perhaps I did not spend enough time talking about why I wanted them to practice doing it.

Figure 2. Scores Distribution for Incorporating Use of Professional Standards

Points	0	1	2	3	4	5	6	7
# of Students	3	0	1	2	2	0	0	8

I reflected on possible reasons for students not demonstrating learning in this area. It is possible that early in the semester students were unclear what my expectations for this portion of the assignment were. It is possible that they saw “professional standards” in the assignment description and did not make the connection between these words and the materials I had been providing in class. But it seems to me that it is more likely they did not read the assignment description. I looked for other trends. For example, I was wondering if students who presented later in the semester did a better job incorporating the professional standards. This explanation would fit with the possibility that they were not connecting “professional standards” part of the assignment description with the course materials I had provided. However, three out of five groups in the last few weeks of class did not earn most of the points in this area of the rubric. The trend that is clearer is that students who generally perform well in my courses (we have multiple courses together prior to this one) performed well on this assignment, and the students who often do not complete assignments according to the assignment description did not meet this objective on this assignment. I have a theory that they read the assignment heading “article facilitation” and thought “I’ve done that before” and didn’t read the details of what to include or didn’t think it mattered that much. This theory contributes to my idea of planned changes which is to talk more explicitly about the rationale and significance for learning about professional standards. Perhaps with more

understanding of the significance, students will pay more attention to specifics about this learning outcome.

What I noticed change in the class over the course of the semester was that towards the end of the semester, students during discussion or current issues activities, would discuss how they would utilize professional standards to guide their professional practice even in instances when they were not prompted! I was pleasantly surprised by this. Clearly, some students had integrated the practice of relying on professional standards during decision-making by the end of the course. It became the culture of our classroom to discuss it. Since I have not had this experience in prior iterations of teaching this course, I attribute this phenomenon to the multiple activities and focus given to professional standards during this semester's course and consider this to largely have been successful. See [Appendix F](#) for an example of my notes on one facilitation where the leaders did not ask for connections between the article and professional standards but the students discussing it reported about professional standards anyway.

More evidence supporting learning on this outcome was present in the final projects for the course. All the students cited specific professional standards that applied to the issue they explored. The drafts of the final project reflected their ability to locate and choose relevant professional standards. After reviewing the drafts, I had to nudge them to move beyond listing the standards and instead explain how a professional might apply the standard in decision-making. I saw improvement in this area between the drafts and the final project. Examples of the drafts and final project are included in [Appendix I](#).

One more source of data suggests that students achieved the part of the learning outcome regarding use of professional and ethical standards. Data from the post course assessment demonstrated that many students were able to shift their thinking about their role within the legal context from being one who learns and follows the law to someone who knows about the law and applies professional and ethical standards in decision-making. A typical response, on the pre-course assessment, Christine Hoffman wrote,

“As a professional, there are things I can and cannot do legally. Laws act as a way to hold me accountable.”

Compared to the post-course assessment she wrote:

“ There must be a balance of all three (law, ethics, and professional standards). Knowing the basic ideas of law and what rights higher education institutions (vs. students/employees) have makes things much clearer as I move forward.”

More comments from the postcourse assessment the demonstrate learning to incorporate use of professional standards in professional practice as a higher education administrator can be found in [Appendix G](#).

Social Justice Concepts

Another element of this decision-making learning outcome was for students to consider who has power to make decisions and how decisions may impact oppressed groups. To achieve this objective, I wanted students to apply some concepts from previous coursework and their learning about social justice issues. Also, I began the semester with the book *The New Jim Crow* by

Michelle Alexander which discusses inequities including racism within the law and its enforcement. Some discussions in class, about that book in particular, reflected their integration of this idea into how they view the law. Some students would reference concepts from that book later in the semester when discussing other issues, which reflects their integration of the knowledge.

Even though I am excited about the possibilities that stem from incorporating the book and what some students demonstrated, the learning outcome was not demonstrated by many of the students. For example, the final assignment in the course was to report in poster format about a legal issue in higher education. Part of that assignment was to state any power dynamics related to the issue. In prior semesters teaching this course, I always hoped that students would think about who was being served and who was likely not to be protected under the law, but none of the assignments asked students to show this learning. The updated assignment explicitly asked students to report about power dynamics of who was most likely to be making decisions and who was likely to be impacted negatively by those decisions. Examples of the assignment asking students to report power dynamics are found in [Appendix H](#).

Overall, I noticed an improved ability from prior years to state power dynamics, but many students still were not clear in articulating which groups had power during decision-making and which groups were likely to be negatively impacted or not have their needs met. This was evident first when students submitted drafts of their final projects. For example, the draft shown in [Appendix H Figure 1](#) shows only a list of newspaper articles and the draft in [Appendix H Figure 3](#) is an explanation which is not explicit about who makes decisions, who benefits, or who might be most negatively impacted.

When I received the drafts, I was able to see this and have an additional discussion with students about what I was expecting for this part of the assignment. During class, I described an example of what I was looking for. Then so students could practice naming power dynamics, I asked them in class to report on the power dynamics they understood related to the topic we had discussed in class. The final poster submissions more clearly articulated power dynamics as demonstrated in examples shown in [Appendix H Figure 2](#) and [Appendix H Figure 4](#). Some students were able to articulate the power dynamics, my discussion with them helped, but reflecting on the course as a whole, we didn't incorporate this learning outcome and students weren't demonstrating it as much as others.

Planned Changes

One of the things that I've learned about myself in applying these learning outcomes, assessing them, and reflecting upon what's going on in the class is that I could communicate my expectations more clearly. I've made the argument to myself in the past that I have already done a great job at communicating my expectations. It's true that I have communicated my expectations in some form, but it is clearer to me now that I could do better in this area. For example, reflecting upon the data from the current article facilitation, it strikes me that students may not understand the reasons for portions of the assignment. I will do a better job of drawing their attention to the rationale of assignments as I have designed them. I will also do a better job of having rubrics prepared at the beginning of the term so that they are available to students while they are

conceptualizing and completing their assignments. This may help some students. When rubrics are available at the same time students are beginning to work on projects, I can draw students' attention to the rubrics, even showing them in class, so that students can see how the rubric reflects the course learning objectives. It will also show how if they don't complete an element they will not do as well on the assignment.

Examining the first learning outcome about learning the role of a student affairs professional, I conclude that students overall did well on achieving this outcome, but there is room to include this learning outcome in the final project. For the final project students are asked to report to other professionals about a legal issue and offer implications. I would like to consider how students might demonstrate in this final project how they would incorporate what they've learned about the role of a student affairs administrator into their implications section. Then, the rubric for this assignment could be updated to include points related to this learning outcome.

For the second learning outcome about professional standards, overall, this was well done. I will work on my communication as described earlier.

Some students did not demonstrate understanding of power dynamics, the third learning outcome, well on the final project. In the future, I envision adding a discussion about power dynamics when we discuss the Alexander text. This would be a way for me to model for the class what I'm expecting them to learn. Also, I could add some related questions on individual quizzes. Finally, I will consider adding power dynamics as something that should be addressed in the article facilitations assignment and rubric. Making this a more central element of our discussions and coursework prior to the final project would better prepare students to do well on it.

Summary

This portfolio documents the activities, assessments, and planned changes related to three learning outcomes in the EDAD 925 Law and Higher Education course I taught Spring 2017. It begins with the rationale, includes related activities and assessments, and ends with suggestions for improved learning based on assessment data. It appears that incorporating activities and course materials about the role of the higher education professional led to an increased understanding of how students could utilize legal material learned in the course, professional and ethical standards, while consulting with lawyers as they conduct their work within the legal context. As shown in the post course assessment and the roles assignment, students understood their role was not to interpret the laws on their own, but to recognize potential legal issues, consult with others, and look to professional and ethical standards in higher education when making decisions. Students demonstrated being able to use professional standards to inform their work on the final project. However, students did not demonstrate having learned how to examine issues through a social justice lens as well. Some were able to discuss some of them on their final projects but the concepts were not central throughout the course. This is not surprising since fewer assignments, class materials, and discussions focused on this outcome. Changes for improving this course include more explicit and frequent communication of assignment purpose, learning outcomes, and expectations. Also, incorporation of course materials, discussions, examples, assessments, and part of the rubric reflecting the social justice learning outcome need to be included.

The process of preparing to create the portfolio, putting the pieces together, and figuring out how to articulate to the reader what I mean helped me to better understand and define my expectations, rationale, and how to better set the stage for students to achieve learning outcomes in the future. This process of articulating and documenting these things also gave me more confidence in my teaching because I have clearly documented that my rationale is grounded in the literature and my course activities and assignments reflect those learning outcomes.

Appendices

Appendix A: Syllabus

EDAD 925 Law and Higher Education University of Nebraska - Lincoln Spring 2017

Instructor: Dr. Stephanie Bondi

Office: TEAC 117

Office Hours: Tuesday 10:00- 11:30 and Thursday 2:00 – 3:00

Sign up for office hours at: http://go.unl.edu/sbondi_sp17 . You can stop by without an appointment but I might be busy or out of the office. If times available do not work, email me for an appointment.

Phone:

Email: sbondi2@unl.edu

Please note: This syllabus is subject to change by the instructor.

COURSE DESCRIPTION

An examination of legal principles applicable to postsecondary education institutions. Topics for examination will include an overview of the legal system, postsecondary education institutions as legal entities, authority for governance and administration, faculty rights and responsibilities, student rights and responsibilities, institutional and personal liability, and other selected issues.

COURSE GOALS (STUDENT OUTCOMES)

Students will develop:

1. Understanding of the roles of higher education administrators working within the context of the law.
2. Ability to apply ethical, professional, and legal criteria in administrative decision-making
3. General knowledge of laws impacting higher education.
4. Ability to think critically about issues in the law.

INSTRUCTOR PHILOSOPHY

I believe that learning happens best when students and instructors partner together to create a strong community of learning. This approach produces tensions when compared with traditional classrooms where the instructor takes responsibility for teaching and students are primarily responsible for doing what the instructor says. This approach requires students to take responsibility for their own learning, apply their own perspectives and personal experiences to concepts discussed, build a connected, supportive learning community, and take leadership roles in designing and directing the course. I ask that students in this course make an effort to engage in this approach and contribute feedback about how to create the most learning opportunities for everyone in the class.

I am currently participating in UNL's peer review of teaching program. This program is helping me to refine learning outcomes and assess student learning. It is therefore important for me to collect data about how well I have achieved these goals. Some data will be collected via your assignments with your permission, and other data through formal feedback forms. I hope that you will contact me if you would like to provide feedback informally.

COURSE & UNIVERSITY POLICIES

Written Assignments

All written assignments must be typed, double-spaced, with one-inch margins, and 11-12 point fonts. Choose a legible and accessible font (see for examples <http://www.tiresias.org/research/guidelines/fonts.htm>).

All assignment submissions must follow the *referencing* style of the Publication Manual for the American Psychological Association (6th Edition) manual. Papers must follow the *formatting* and styles of APA 6th edition. If you do not own this style manual, it can be found in most libraries or you can use websites like <http://owl.english.purdue.edu/owl/section/2/10/> for a lot of the information. If you are writing a thesis or dissertation I suggest considering to purchase one to have easily accessible for reference.

Assignment Policy

I understand that life events and other responsibilities outside this class may make it difficult to meet deadlines. However, there are also consequences for me, you, and other students when work is turned in late, especially when it happens more than once. Therefore, assignments that are turned in late will be subject to a reduction in grade by one grade letter each week it is late unless other arrangements have been made prior to the due date. For example, if you turn in a paper after class and any time before the Wednesday following class, the best grade you can earn is a B+ on that assignment.

Students must complete all assignments for this course in order to pass. All assignments must be completed by the first day of finals week in order to receive any credit on them.

Mutual Respect and Consideration

We may discuss topics that may be uncomfortable to you or to your peers. Please respect one another's experiences and viewpoints. Your experience may be different from theirs but that is far from making someone else's experiences wrong. When you speak about your opinions, speak only for yourself – please refrain from speaking on behalf of a group of people or from asking your peers to speak on behalf of a group of people.

As the discussion occurs, people may share personal experiences. Please respect confidentiality by not taking class discussions outside of the class, particularly if it is about the experiences of others. As a general rule, personal experiences discussed in your small group should stay in your small group unless you ask permission to share to the large group.

Respect for Diversity

It is my intention to conduct this course in such a manner that a clear respect for diversity is maintained throughout the course content, activities, and with materials used. This includes respect for treatment of materials related to gender/gender expression, sexuality, disability, age, religion, socio-economic status, ethnicity (race, nation, or culture), race (physical characteristics transmitted by genes; body of people united by common history or nationality), and culture (beliefs, customs, arts, and institutions of a society). Feedback and suggestions are invited.

Students who target or make derogatory comments about an individual based on any social identities or towards any social identity group will be issued a warning. Continuance after a warning may be grounds for removal from the course. Students who are concerned about the behavior of another student may address that student individually and are encouraged to notify me as well.

Religious holidays

I attempted to minimize conflict between this course and major religious holidays of which I am aware. If an assignment is due on a major religious holiday you observe, you may submit the assignment on the day after the holiday.

Class Attendance and Participation

Students are expected to arrive on time for class (i.e., be prepared to begin at the designated starting time). Students are expected to have read assigned readings by the dates indicated, contribute regularly to class discussions, and listen respectfully to others.

Class participation will not be assessed on how many times a student shares in class. In fact, talking frequently in class can take away from the classroom experience for others. Rather, students should share thoughtful comments and questions that contribute to the class discussions in meaningful ways and invite fellow students to make contributions as well. Distractions like side conversations, computers, and mobile devices that do not aid your learning and which may detract from other students and my educational experience should be minimized.

If throughout the course of the semester I am concerned that people have not been reading to prepare for class, I may choose to give quizzes over the material in class. These will be part of the in class activities grade.

As graduate students, you are expected to show up to class and to participate in a meaningful way in class activities and discussions. As such, there is no grade for attendance or participation. However, missing multiple class sessions or failing to actively participate will negatively influence your ability to achieve the learning outcomes for this course. As such, I reserve the right to adjust your final grade based on inadequate attendance and participation if necessary, regardless of the points you earn on your various assignments.

Disability

Students are encouraged to contact me for a confidential discussion of their individual needs for academic accommodation. It is the policy of the University of Nebraska-Lincoln to provide flexible and individualized accommodations to students with documented disabilities that may affect their ability to fully participate in course activities or to meet course requirements. To receive

accommodation services, students must be registered with the Services for Students with Disabilities (SSD) office, 132 Canfield Administration, 472-3787 voice or TTY.

Academic Honesty

Academic honesty is the foundation of intellectual inquiry and academic pursuit. If you use the ideas of someone else or directly quote any part of a text, it must be cited. Words copied verbatim from another work (yours or someone else's) must be in quotation marks and cited. All students in this class will be held and are expected to hold each other to standards set forth by the University of Nebraska Code of Academic Integrity.

If you have any questions about this, please talk to me and/or visit the following website to review the policy: <http://www.unl.edu/gradstudies/current/plagiarism>. Not knowing the university policy or conventions of APA style are not excuses for academic dishonesty. Academic dishonesty will result in automatic failing of the assignment or at the discretion of the instructor failing the course depending on the severity.

University Policy: <http://www.unl.edu/gradstudies/current/plagiarism>

You must review the plagiarism presentation in Canvas and submit a statement that you have reviewed it. Due by January 18, 2017.

Title IX Entitlements

Title IX makes it clear that violence and harassment based on sex and gender are civil rights offenses subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources in the Office for Institutional Equity and Compliance <http://www.unl.edu/equity/NonDiscrimination.htm>

NO INCOMPLETES WILL BE GIVEN IN THIS CLASS except for major emergencies (e.g., hospitalization), when a significant portion of the class work has been completed, and only after consultation with Dr. Bondi.

The instructor reserves the right to make changes to this syllabus if necessary. Students will be given advance notice of any changes to be made.

TEXTBOOKS

Required Textbook

Kaplin, W., & Lee, B. (2014). *The law of higher education: Student version* (5th ed.). San Francisco, CA: Jossey-Bass.

Alexander, M. (2012). *The new jim crow: Mass incarceration in the age of colorblindness*. New York, NY: The New Press.

Suggested Textbooks (limited chapters will be provided)

Bird, L. A., Makin, M.B., & Schuster, S.K. (2006). *The first amendment on campus: A handbook for college and university administrators*. Washington, DC: NASPA Student Affairs Administrators in Higher Education.

Lake, P. (2011). *Foundations of higher education law & policy: Basic legal rules, concepts, and principles for student affairs*. Washington, DC: NASPA Student Affairs Administrators in Higher Education.

Speade, D. (2015). *The normal life: Administrative violence, critical trans politics and the limits of the law*. Durham, NC: Duke University Press.

Yoshino, K. (2007). *Covering: The hidden assault on our civil rights*. New York, NY: Random House.

TOPICS & SCHEDULE

Jan 11 Week 1: Law as a Social System

Alexander Chapters 1-2.

Jan 18 Week 2: Law as a Social System

***Assignment:** Plagiarism presentation in Canvas reviewed

Crosby, E. & Richardson, J. (2015). The voting rights act: Ten things you should know. Retrieved from: <https://zinnedproject.org/materials/the-voting-rights-act-ten-things-you-should-know/>

Alexander Chapters 3-4

Jan 25 Week 3: Overview and Roles of Higher Education Administrators Working Within the Context of the Law

***ASSIGNMENT:** Higher education administrators and the law

Lake, Chapter 1 (pp. 1-18)

Kaplin & Lee (pp. 1-32)

ACPA. (n.d.). Statement of ethical principles and standards. Retrieved from: http://www.myacpa.org/sites/default/files/Ethical_Principles_Standards.pdf

Feb 1 Week 4: Overview and Sources of Law; Legal Planning

***Assignment:** Bring legal topic from your conversation with a professional to class

Kaplin & Lee (pp. 44-72)

NASPA & ACPA. (1998). Principles of good practice in student affairs. Retrieved from: https://www.naspa.org/images/uploads/main/Principles_of_Good_Practice_in_Student_Affairs.pdf

Feb 8 Week 5: Liability and Authority, Risk Management

Kaplin & Lee (pp. 86- 119; 125- 129)

Solkolow, B., Lewis, W. S., Keller, J. A., Daly, A. (2008). College and university liability for violent campus attacks. *Journal of College and University Law*, 34(2), 319-347. Retrieved from: <https://www.ncherm.org/pdfs/Journal%20of%20College%20and%20University%20Law.pdf>

ACPA. (1996). Student learning imperative. Retrieved from: <http://www.myacpa.org/files/acpas-student-learning-imperativepdf>

Feb 15 Week 6: Employees

Kaplin & Lee (pp. 136-152; 159-191)

American Civil Liberties Union. (n.d.). Non-discrimination laws. [web site]. <https://www.aclu.org/maps/non-discrimination-laws-state-state-information-map>

Bassett, L. (2015). The U.N. sent 3 foreign women to the U.S. to assess gender equality. They were horrified. *Huffington Post*. Retrieved from: http://www.huffingtonpost.com/entry/foreign-women-assess-us-gender-equality_us_566ef77de4b0e292150e92f0?

Berry, B., & Bonilla-Silva, E. (2008). “They should hire the one with the best score”: White sensitivity to qualification differences in affirmative action hiring decisions. *Ethnic and Racial Studies*, 31(2), 215–242. <http://doi.org/10.1080/01419870701337619>

Transgender Law Center. (2015). National equality map: Nebraska [web site]. <http://transgenderlawcenter.org/equalitymap>

Snyder, L.A., Carmichael, J.S., Blackwell, L.V., Cleveland, J. N. & Thornton III, G.C. (2010.) Perceptions of discrimination and justice among employees with disabilities. *Employee Responsibilities & Rights Journal*, 22, 5-19. doi: 10.1007/s10672-009-9107-5

Suggested Reading:

Reeves, E. J., & Decker, L.D. (2011). Before ENDA: Sexual orientation and gender identity protections in the workplace under federal law. *Law and Sexuality*. 20, 62-78.

Kaplin pp. 192-209 affirmative action and application of non-discrimination laws to religious institutions

Feb 22 Week 7: Legal Status of Students & Admissions

Kaplin & Lee (pp. 343 – 380; 398 - 424)

Poon, O. (2012). A real talk primer on affirmative action, Fisher, college admissions and race. Retrieved from: <https://acpacsje.wordpress.com/2012/12/18/a-real-talk-primer-on-affirmative-action-fisher-college-admissions-and-race/>

ACPA & NASPA. (2015). Professional competency areas for student affairs educators. Retrieved from: https://www.naspa.org/images/uploads/main/ACPA_NASPA_Professional_Competencies_FINAL.pdf

March 1 Week 8: Financial Aid, Housing, Service for Students with Disabilities, Services for International Students

Kaplin & Lee (pp. 424-461; 491 -495)

Wheeler, L. (2012, October 12). House bill would remove the term “alien” from federal law. *TheHill.com* Retrieved from: <http://thehill.com/regulation/legislation/257801-house-bill-would-change-term-for-immigrants-in-federal-law>

National Conference of State Legislators. (2015). Undocumented student tuition overview. [web site]. Retrieved from: <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>

March 8 Week 9: Discipline, Dismissal

Kaplin & Lee (pp. 569-602)

Alexander Chapter 5

March 15 Week 10: Student Protests and Free Speech

Kaplin & Lee (pp. 602-636)

Kaplin & Lee (pp. 461 – 470) computer network free speech

Bird, Mackin, & Schuster readings on First Amendment. (pp. 1-19, 42-48, & 52-69).

Foundation for Individual Rights in Education (FIRE). (n.d.). Campus rights. [web site]. Retrieved from: <https://www.thefire.org/campus-rights/>

March 22 SPRING BREAK - NO MEETING

March 29 Week 11: Discrimination and FERPA Protections

Kaplin & Lee (pp. 495 - 506) FERPA; Discrimination in Admissions (pp. 380-398); Student orgs (pp. 652-672) ; Section 504 of Rehabilitation Act and unintended discrimination (pp. 808 - 815)

Alexio, M., Chin, J., Fennelly, K., & Shurilla, A. (2012). Analysis of policies towards applications of undocumented students at Big Ten schools. *Law and Inequality*, 30(1), 1-17. Retrieved from:
http://heinonline.org/HOL/Page?handle=hein.journals/lieq30&div=4&g_sent=1&collection=journals

ACPA. (2015). Bias incident prevention and response protocol. Retrieved from:
<http://www.myacpa.org/docs/bias-incident-prevention-and-response-protocol-final-approved-2-14-14pdf>

April 5 Week 12: Student Organizations

Kaplin & Lee (pp. 637-652; 672-685)

April 12 Week 13: Student Press and Athletics

Kaplin & Lee (pp. 685-745)

Foundation for Individual Rights in Education. (n.d.). The importance of a free student press. [web site]. Retrieved from: <http://www.thefire.org/resources/student-press/>

April 19 Week 14: Title IX

Kaplin & Lee (pp. 805-808)

Know Your IX. (n.d.). 9 things to know about Title IX. [Web site]. Retrieved from:
<http://knowyourix.org/title-ix/title-ix-the-basics/>

Sokolow, B. (n.d.). What does recent case law mean for institutions in cases of student – students sexual assault? [whitepaper]. Retrieved from: <https://www.ncherp.org/wordpress/wp-content/uploads/2012/02/2001-NCHERM-Whitepaper-Title-IX1.pdf>

Tejada III, E. (2016). List of services necessary for trans students on college campuses. Milwaukee, WI: Marquette University. Available at:
<https://unl.box.com/s/shpf92i22x0whs2rchu1m9ng3dytapil>

- Sokolow, B., Lewis, W. S., Schuster, S. K., & Swinton, D.C. (2015). ATIXA gender-based and sexual misconduct model policy. Retrieved from: <https://www.atixa.org/wordpress/wp-content/uploads/2012/01/ATIXA-Model-Policy-041715.pdf>
- New, J. (2016, November 10). Campus sexual assault in a Trump era. Retrieved from: <https://www.insidehighered.com/news/2016/11/10/trump-and-gop-likely-try-scale-back-title-ix-enforcement-sexual-assault>
- New, J. (2016, April 14). Out of balance. *InsideHigherEd*. Retrieved from: <https://www.insidehighered.com/news/2016/04/14/several-students-win-recent-lawsuits-against-colleges-punished-them-sexual-assault>

April 26 Week 15: Copyright and Now, What Do We Do?

Kaplin & Lee (pp. 783-794)

Royster, P. Copyright: The crash course. [presentation slides]. Retrieved from: http://digitalcommons.unl.edu/ir_information/53/

TeachingCopyright.org (n.d.). Frequently asked questions. [Web site]. <https://www.teachingcopyright.org/handout/copyright-faq.html>

Spade, D. (2012). *The normal life: Administrative violence, critical trans politics and the limits of the law* (pp. 7-42). Brooklyn, NY: South End Press.

Yoshino, K. (2007). The new civil rights. In *Covering: The hidden assault on our civil rights* (pp. 184-196). New York, NY: Random House.

ASSIGNMENT DESCRIPTIONS

*Higher Education Administrators and the Law

The purpose of this assignment is to frame your thinking about the role of higher education administrators in relation to the law. This topic is discussed in the Lake reading. Create an item or artifact discussing the role of higher educational administrators regarding legal issues. This can take the format of your choice (e.g., poster, poem, infographic, video, paper, etc.). Address the following questions:

- Administrators are not generally lawyers so what should these professionals learn about the law? Why?
- Why is learning about the law important for administrators?
- What will be important to you when exploring legal issues in higher education? (i.e., for your professional position(s), personal development, students with whom you work, the institution(s) you serve?)

- How will you best learn about legal issues? What do you need to do to learn what you can about legal issues in higher education?

This assignment will be evaluated based responses to the above questions, your ability to communicate your main point(s), and proper use of citations. You must refer to one or more concepts from the assigned readings to get a passing grade for this project. You should rely on the Lake (2011) reading to inform your project and include evidence that you read it.

Bring your artifact to class to share with other or be able to access it on some device. Also, submit an electronic copy or picture of your artifact in Canvas if you would like a grade.

* Current Legal Issue Facilitation

On your own or with a partner, you will facilitate an hour of class time. You will need to find a news article from the past five years about the topic for the week and share it with the class. One purpose of this project is to practice reading higher education news and paying attention to legal issues. It is also intended to be an opportunity to consider possible topics for your legal issue poster. Another purpose is to share with the class current issues relevant to what we are learning.

Find a current issue from 2012-2017 that is in the higher education news or an issue that you can apply to higher education. Locate a news article that discusses the issue. Examples of where to find higher education news are *The Chronicle of Higher Education*, *Inside Higher Ed*, *ACPA Developments*, *NASPA's Leadership Exchange*, and *University Business*.

Share the article with the class **on Monday prior** to your assigned class period by posting it in Canvas on the discussion board.

Prepare to facilitate a discussion or activity in class that helps students explore the ethical, legal, and professional aspects of the issue. This is important because as Lake argues, student affairs educators must rely not only on the law when making decisions but also their professional knowledge and experience. As a professional, you will rely on legal experts to interpret legal issues, so the most important skill to develop is how to think about the issues within the context of not only legal regulations but also professional standards.

The goal of this facilitation is to have the class explore how to make decisions regarding the issue by considering multiple perspectives including ethical, professional, and legal ones. *You must incorporate reference to ethical, legal, and professional standards during your facilitation to do well on this assignment.* Use materials learned in the College Student Personnel course your first semester and/or textbooks, or professional association materials.

Evaluation of the assignment will be based on providing a relevant article to the class at least two days prior to class, facilitating an engaging activity or discussion, helping students learn about the issue, helping the class connect the issue to ethical, legal, and professional standards.

***In Class Activities**

During class, we will have activities that are designed to help students practice applying legal concepts, ethical guidelines, and professional standards to scenarios that may occur in higher education. Activities will be evaluated on the extent to which understanding of the course concepts is clearly demonstrated. To achieve full credit on these activities, students should come prepared to class with notes from course materials so that application of concepts is easier. This type of pedagogy is called a flipped classroom. The idea is that class time can be best used interacting with others and applying materials to specific problems to promote more learning. Time in class should be spent applying concepts rather than reading and comprehending course materials. This means you must be prepared prior to class or you will probably not learn as much.

Each activity is worth 20 points. If there are more than five in class activities over the course of the term, you can take the top 5 scores for a total of 100 points towards your grade.

***Poster Project**

The purpose of this project is to explore one legal issue in depth. You may work alone or with 1-2 other people to create a professional poster to inform higher education administrators about a relevant legal issue. Your task is to bring awareness to higher education professionals about perspectives they should consider related to a legal issue relevant to the field.

In order to choose which issues will be most compelling on our posters, each student will be required to ask at least one professional working in higher education about a legal issue that they would like to know more about. You can choose a professional that you know and work with regularly, or you might take this opportunity to introduce yourself to someone you don't know well who works in an area of interest to you. Each student will report what legal issue the professional wanted to know more about and why they wanted to know about it.

Students will choose their poster topics from the class's generated list of topics. This will allow for coverage of the topics and reduce redundancy. In class on February 1, 2017, report findings from your discussion with a professional.

When you have your assigned poster topic, you must research the issue, reading and citing several credible original sources (more than newspapers) and then synthesize the issues for readers. Referring to relevant legal concepts from the text (e.g., negligence, duty, contracts, case law, etc.) is vital for this assignment.

In the poster you should:

- summarize the issue,
- explain why this issue is important to understand
- state relevant legal regulations,
- outline any relevant legal tests
- name contested areas (disagreements or questions about interpretation)
- explain power dynamics or inequities that shape this issue
- include engaging visuals (i.e., images or highlighted quotes)
- present relevant ethical, and/or professional considerations

When creating your poster, the goal is to educate colleagues about things to consider when practicing within the context of the law. The language might be “these are some perspectives to consider...” or “these are some things I learned about this legal issue you might want to know” **instead of** “when you’re in this legal situation you should do this.”

Images, infographics, or graphs can make your poster more engaging and informative and therefore are expected. Be sure to seek permission to use others’ work and include a citation for images and infographics/graphs that you borrow.

In order to prepare for this project, you must turn in a draft of your poster by Wednesday, April 12, 2017. Create your poster as a PDF or PowerPoint (poster or slides you will print & cut out/paste). Peers will review it and give you feedback about content, organization of ideas, readability, and visual appeal. Peer review comments are due one week after draft due date. Revise your poster based on the feedback before the poster session.

Grading criteria: See rubric in Canvas.

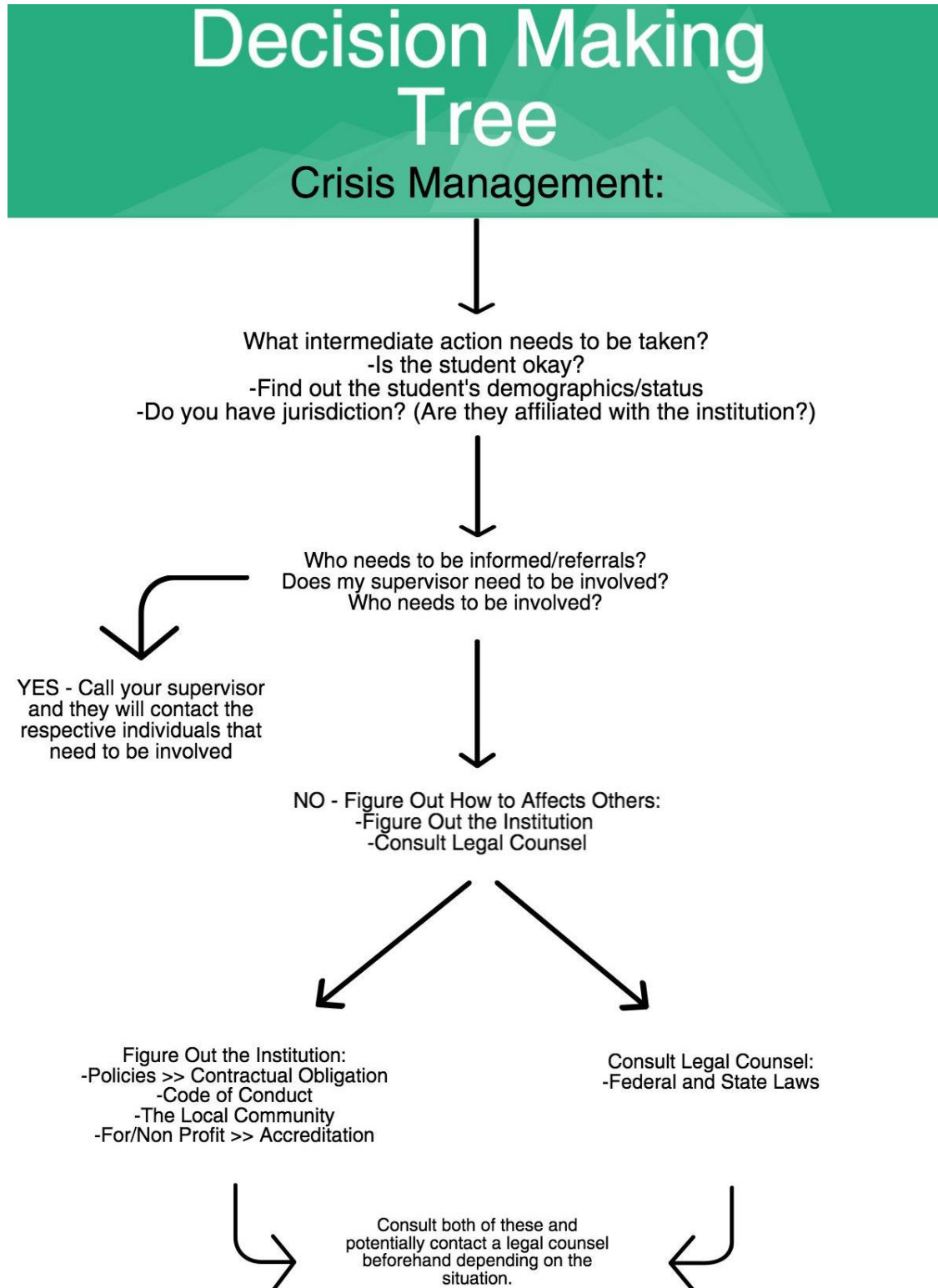
***Plagiarism Presentation**

Review the plagiarism presentation in Canvas. Mark that you have seen it and understand it. You are responsible for understanding plagiarism and how to properly cite sources.

Grade Weights

Plagiarism presentation	3
Higher Education Administrators and the Law	17
In class individual activities (total)	40
Facilitation on current issue	40
Poster draft	5
Feedback to peer(s) on draft	15
Poster project	75
In class activities in groups	100
Post course feedback form	5

Appendix B: Decision-making Map



Appendix C: Example Rubric for In-Class Discipline Hearing Activity

	Role of Administrator	Role of Hearing Board
Vocabulary (5)		
Professionalism and ethics (5)		
Main concepts from the reading (10)		

Appendix D: Sample Comments to Groups Based on Notes from In-Class Discipline Hearing Activity Rubric

The comments below demonstrate how I considered the elements of the rubric, largely the main concepts in the readings and professionalism and ethics. The first example shows an A level response and the second example missed some points for missing one of the main concepts in the reading.

Comments to One Group (grade A)

You all did a great job demonstrating the main concepts about discipline and free speech. You raised a question about the vagueness of conduct unbecoming a student [which demonstrates your understanding that codes cannot be too vague]. You also suggested that the students had the right to protest in silence reflecting your understanding that disruption of the educational mission is a problem. You also made a statement that the students were allowed their free speech as long as they don't impede others' speech or the physical area, demonstrating your understanding of the limits of free speech.

Comments to Another Group (grade B)

There was a lot to do in your roles as student affairs administrators. You did a good job overall but the main responsibilities of administrators was not demonstrated at times. For example, you included "conduct not becoming of a student" as one of your charges but it is pretty vague [there was an example not to do this in the course readings] and students may not clearly understand what's expected in a rule such as that. But, nonetheless, overall, you demonstrated knowledge of the main components like notice and due process and showed professional ethics by explaining what was going on to the students and caring about the possible impact of what's going on to the community.

Appendix E: Example Student Submissions for Assignment on the Role of the Higher Education Administrator

Appendix E Figure 1. Example 1 of Roles Assignment

Advice from the Expert



Dear Abby,

I am new to this whole relationship thing and I was hoping for some advice. I just starting dating this person and I think it may be getting serious. We met at our university working on a project together. I knew this person existed, but didn't know much about them until our first date. Turns out we have more in common than I thought, but sometimes I feel like we're speaking two different languages! The name of my partner is *Law*. I am *Student Affairs* and things are getting confusing between us. I know there are lots of relationships between *Law* and *Student Affairs*, but I have heard of so many failing and I really don't want that to happen between us.

We both haven't been in too many similar relationships because our fields of study are so different. Our jobs have been overlapping recently due to a partnership on this project put forth by a law case at the university. I think my biggest problem is that I am not sure where we both stand which makes it really hard to move forward. I really like this person and what to continue seeing them, but I'm not sure how best to make that happen. Please send help.

Sincerely,
Lost in Student Affairs

Dear Lost in Student Affairs

Relationships can be tricky, especially if the person you are seeing seems to live in an entirely different world. Don't worry, successful partnerships have been formed between *Law* and *Student Affairs* before, but here are some things to consider if you want to "bridge the gap" and make this dynamic relationship work.

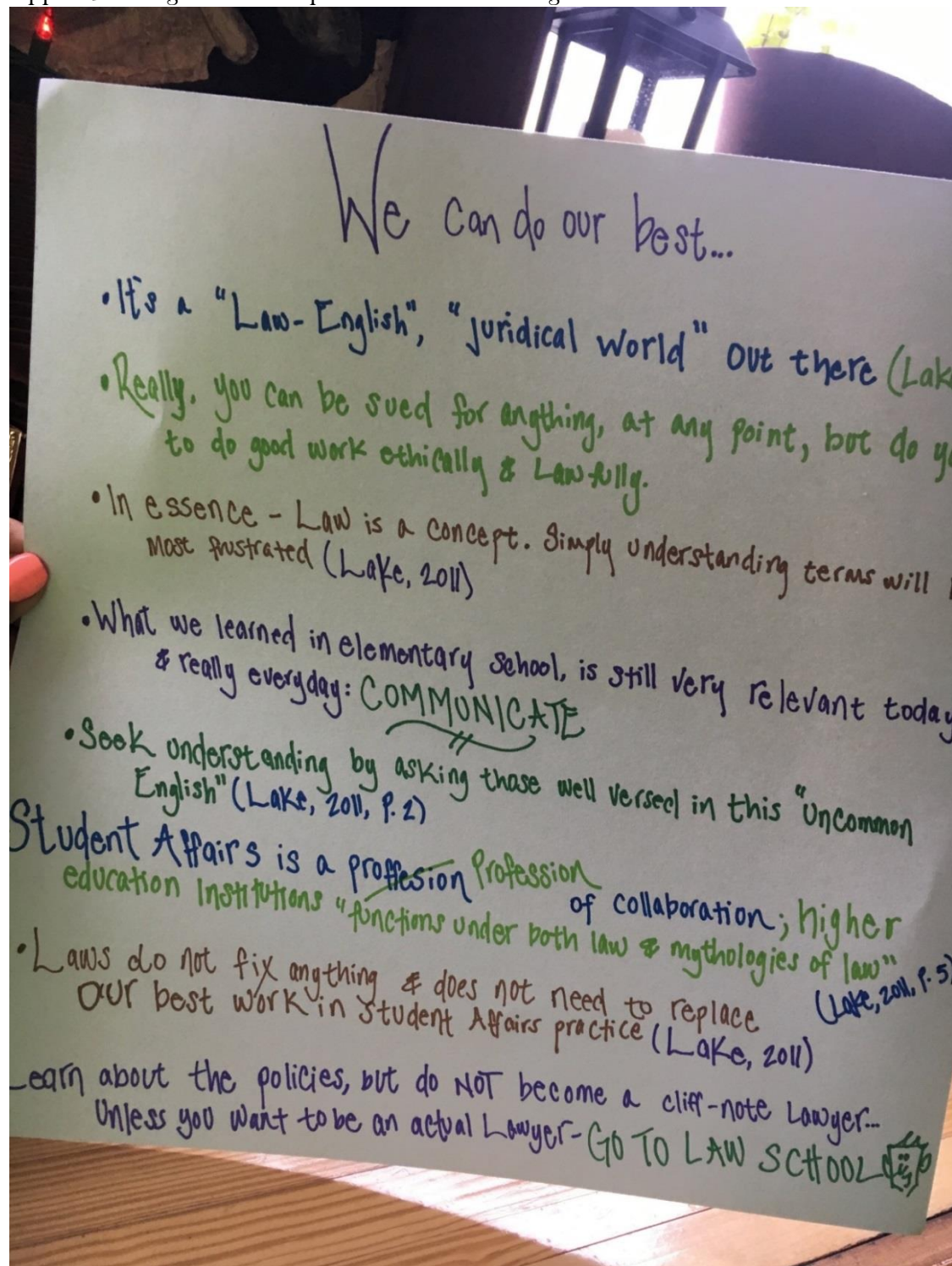
As *Student Affairs* I would encourage you:

- To understand a lawyer's role (This consists of giving advice and legal counsel). In a way this person is a messenger for you. This can be one of the best ways to learn about legal issues. Remember: it is not their role to command you. Make sure as a couple you define these roles when working together.
- Sometimes *Law* seems based on mistrust, fear, and conflict. As *Student Affairs* this may oppose your values, but you will need to see where *Law* fits in with your values and ethics when making important decisions together.
- If you are confused, ask questions and keep asking them. If *Law* is saying no, that is not a shut door. It just means that you need to find a path that allows you to accomplish the goals you set for yourself. Maybe try asking "What are my options?" instead of "Can I do this or that?"
- Focus on the process you two build together. Pay it respects and really consider all your options before deciding. *Law* may know things you do not, but you also have your own unique set of experiences to build upon.
- Lastly, educate yourself where you can. Don't just sit back and let *Law* interpret things for you. This person is a great resource, but you can learn a lot about them by reading up on current issues or events that are happening within higher education institutions all over the US. History also plays a key role in a direction forward. Don't ignore what has happened in the past!

I hope this helps and you enjoy this relationship with *Law*. And remember, all relationships take work, but you have to start with yourself first! Good Luck!

-Abby

Appendix E Figure 2. Example 2 of the Roles Assignment



Appendix E Figure 3. Example 3 of the Roles Assignment by Stephanie Benes



Appendix F: Article Facilitation Rubric and Feedback

Rubric:

- 5 providing a relevant article to the class at least two days prior to class,
- 18 facilitating an engaging activity or discussion
- 10 exploring the issue
- 7 helping the class connect the issue to ethical, legal, and professional standards.
- 40 points total*

Scores For this Group:

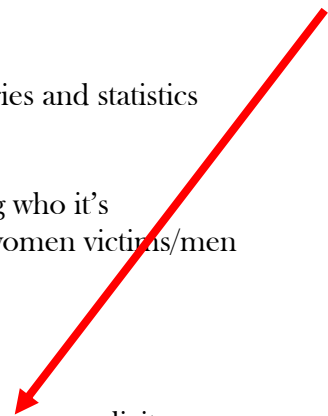
5/5 article provided on Monday

Video, good to provide an alert about the content of the video, videos about stories and statistics (nice mix),

18/18 Questions: fear of false report -what can we do? Are regulations protecting who it's supposed to protect? (language reflects what's being focused on like cisgender, women victims/men respondents). Should perpetrators be allowed to come back to campus?

10/10 great exploration of the issue from sexual assault to speech/harassment.

3/7 helping students connect ethical and professional standards because there was no explicit prompt for them to do so. Some groups reported it out anyway.



Appendix G: Comments from the Post-Course Assessment About Role of Higher Education Professional

Portions of comments related to the role of the higher education professional, specifically the use of ethics and professional standards in decision making have been underlined for the purpose of highlighting this learning outcome for the portfolio.

I think free speech, copyright (if I get into teaching) and Title IX will all be pertinent to be success within the field. All of the ethics I will refer to when I am deciphering how to best handle certain situations. Especially, when in regards to the law, but I think the ACPA standards can be easily applicable to many scenarios.

I feel that there is still more education that I could get, but that I have a wonderful foundation for my understanding. I think that I will be able to use it for Title IX, free speech issues on campus, and more.

I think ethics and professional standards will be utilized a guidelines on how to work with students and at institutions. Laws will shape how I address issues and how I see disadvantaged students.

I will be sure to use my resources when needed, as I am not fully knowledgeable in law. I hope to keep the ethics in the back of my mind when making tough decisions as I cannot always make decisions with my heart, sometimes I have to use my head.

There must be a balance of all three (law, ethics, and professional standards). Knowing the basic ideas of law and what rights higher education institutes (vs. students/employees) have makes things much clearer as I move forward. I thought it was much easier to lose a law suit than we read about and that institutes have many policies/legal statues in place to protect its employees and students.

As an educator, I am responsible and dedicated to enhancing, and uniqueness of each student within post-secondary education. First, I have to ensure to maintain a professional responsibility and competence to the students and our administrators. As an educator, it is my responsibility to advocate for all students [€]™ welfare and concerns. In doing so, I must always be sensitive to student development and learning [a major professional standard], treat everyone with respect, and keep all conversations confidential. I have a responsibility to society, to best prepare our students for the world. To ensure they receive the needs they requested. Next, my responsibility to the institution; to support the mission, goals, policies, and abide by the procedures as necessary. The mission and goals of the institution are important, and I must make sure to uphold to its standard, but at the same time, I must make sure that I am doing this by serving our students. Finally, I have to follow what the policies of the university are, and then next look into the state and federal laws when dealing with alleged cases, but I have to do this in a just manner, with the assistance from those around me.

I think after taking this class, I have developed a better sense of how to approach legal issues and how to incorporate utilize legal logic in my work. For example, if I continue work as an academic advisor in the future, I anticipate that I will do more examination on how I or my office is doing in terms of protecting student information; I will also act more proactively in explaining to people why that's important from a legal perspective.

ACPA, NASPA and the CAS standards will be necessary when making decisions surrounding ethical and legal issues. I will consider my responsibilities to students and the university when working through these issues.

I will use ethics, laws, and professional standards in my practice to inform the work I do with students. Especially when it comes to creating equity and trying to work for the rights of minoritized student groups. Also the professional standard of responsibility to the institution in ensuring I take proactive measures to shield the institution from liability as I try to balance risk. In my professional practice I will be more knowledgeable about the laws that we are supposed to follow. I may not know each law but I will be more aware of when I need to consult others and when a law is potentially being broken.

This is something that will be used daily. Ethics plays a large part in law. Since I want to go into student conduct law and ethics will be crucial.

The plan to use ethics, laws, and professional standards in my career by trying to stay up to date on the latest laws and changes to laws and making sure that what I am doing in my job is professional, but also ethical to the institution and me personally.

As Student Affairs professionals, there will always be a time in our career (no matter what functional area that we work in) that we have to think concretely about our ethics and professional standards. When looking from a frame of reference with ACPA Standards, there are four main principles: responsibility to society, responsibility to the institution, student learning and development, and professional responsibility and competence. We (ideally) are supposed to live with these four principles in mind when it comes to decision making. Whether we are a Hall Director meeting with an RA that is not fulfilling job duties or we are Judicial Hearing Officer meeting with a student that consistently violates the student code of conduct.

Appendix H: Examples of Final Law Assignment Showing Power Dynamics

Appendix H Figure 1. Example Draft Submission Showing List of Articles Related to Power Dynamics

Freedom of Speech on Campuses

Legal Regulations:

Free speech regulations differ between public institutions and private institutions.

- Public Institutions - Public institutions free speech regulations follow the First Amendment of the U.S. Constitution.
 - However, there are cases where the student's freedom of expression can be protected by the institution in their bill of rights, bylaws, etc., or from the state in constitutional provisions or state statutes.
 - "Freedom of expression for students is protected mainly by the free speech and press provisions in the First Amendment of the U.S. Constitution, which applies only to 'public' institutions" (Kaplin & Lee, p. 602, 2014).
 - "Moreover, college and universities may assert and protect their interests in ways that create limits on student freedom of speech" (Kaplin & Lee, p. 604, 2014).
 - Public institutions have issues with free speech protections when the speech is in a public forum (are of campus that is available to students, campus community, general public, etc) (Kaplin & Lee, p. 602, 2014)
 - Private Institutions - Private institutions have more liberty in terms of free speech regulations. Their regulations revolved around what is outlined in the institution's code of conduct, bylaws, etc.
 - However, there are special cases. If the institution is receiving any funds from the federal government, U.S. laws and regulations can be imposed.
 - "By this means, private institutions may consciously adopt First Amendment norms that have been developed in the courts and that bind public institutions, so that these norms sometimes become operative on private as well as public campuses" (Kaplin & Lee, p. 603, 2014).

Contested Areas:

Free speech in higher education is an extremely contested issue because of the interpretation that many people have regarding what is free speech. These interpretations also differ between public and private institutions. There are overarching themes as to what are very common instances involving free speech at higher education institutions.

- Hate Speech, whether it's covered under both free speech or not depends on the type of institution or what sector the college is in (Uecker & Sardelli, 2013)
- Being able to say "what you want," but understanding that there still are consequences to one's actions
- Regulating free speech or civil discourse takes away from education (Uecker & Sardelli, 2013)

Legal Tests:

Legal tests are a method of evaluation that is used in the legal practices by the courts.

Miller Test for Obscenity - Developed from a case 1973, *Miller v. California*

Utilized to determine if the speech can be labeled as obscene. If it is obscene, then it is not protected under the 1st Amendment and can be prohibited

Three Prongs

- "Whether 'the average person, applying contemporary community standards' would find that the work, 'taken as a whole' appeals to 'prurient interest'"
- "Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and"
- "Whether the work, 'taken as a whole,' lacks serious literary, artistic, political, or

Inequities

Articles

- "Let's talk. A conversation about speech on campus."
- "Nebraska players who knelt during anthem criticized by regents, governor" <http://www.nydailynews.com/sports/college/nebraska-football-protest-labeled-disgraceful-governor-article-1.2809995>
- "Missouri records show students feared by violence and felt targeted by protesters" <http://www.nationalreview.com/article/434265/mizzou-protesters-frightened-many-campus>

"The speaker is the right to hear and express free speech is the right to hear and express free speech as well as those of the speaker. It is just as criminal to rob a man of his right to speak and hear as it would be to rob him of his money" (Douglas, 1860)

Professional Considerations:

ACPA Ethical Considerations:

- Professional Responsibility and Competence
- Student Learning and Development
- Responsibility to the Institution
- Responsibility to the Society

References:

ACPA: College Student Educators International. (2016). *ACPA Ethical Standards*. Retrieved from <http://www.acpa.edu/ethical-standards>

Associated Press. (2016). *Nebraska Governor and Board of Regents member openly criticized Nebraska football players for using their rights to peacefully protest and wanted them removed from the football team*. Retrieved from <http://www.associatedpress.com>

Kaplin, M. & Lee, J. (2014). *Free Speech on Campus: A Practical Guide for Higher Education*. New York: Routledge.

Melchior, J. K. (2016). *Students on the campus of the University of Missouri felt targeted and attacked by students who were using their rights to peacefully protest*. Retrieved from <http://www.nationalreview.com>

Uecker, M. & Sardelli, J. (2013). *Free Speech on Campus: A Practical Guide for Higher Education*. New York: Routledge.

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Appendix H Figure 2. Example Final Submission Showing Explanation of Power Dynamics Illustrated in Articles

Public vs. Private

Relationships differ between public and private institutions.

Public institutions free speech regulations follow the First Amendment of the U.S. Constitution.

When student's freedom of expression can be protected by the institution in their bill of rights, bylaws, etc., or from the state in constitutional provisions or state statutes.

However, there are special cases. If the institution is receiving any funds from the federal government, U.S. laws and regulations can be imposed.

"By this means, private institutions may consciously adopt First Amendment norms that have been developed in the courts and that bind public institutions, so that these norms sometimes become operative on private as well as public campuses" (Kaplin & Lee, p. 603, 2014).

Private institutions have more liberty in terms of free speech regulations.

Contested Areas

Free speech in higher education is an extremely contested issue because of the interpretation that many people have regarding what is free speech. These interpretations also differ between public and private institutions. There are overarching themes as to what are very common instances involving free speech at higher education institutions.

- Hate Speech, whether it's covered under both free speech or not depends on the type of institution or what sector the college is in (Uecker & Sardelli, 2013)
- Being able to say "what you want," but understanding that there still are consequences to one's actions
- Regulating free speech or civil discourse takes away from education (Uecker & Sardelli, 2013)

Legal Tests

Miller Test for Obscenity - Determine if

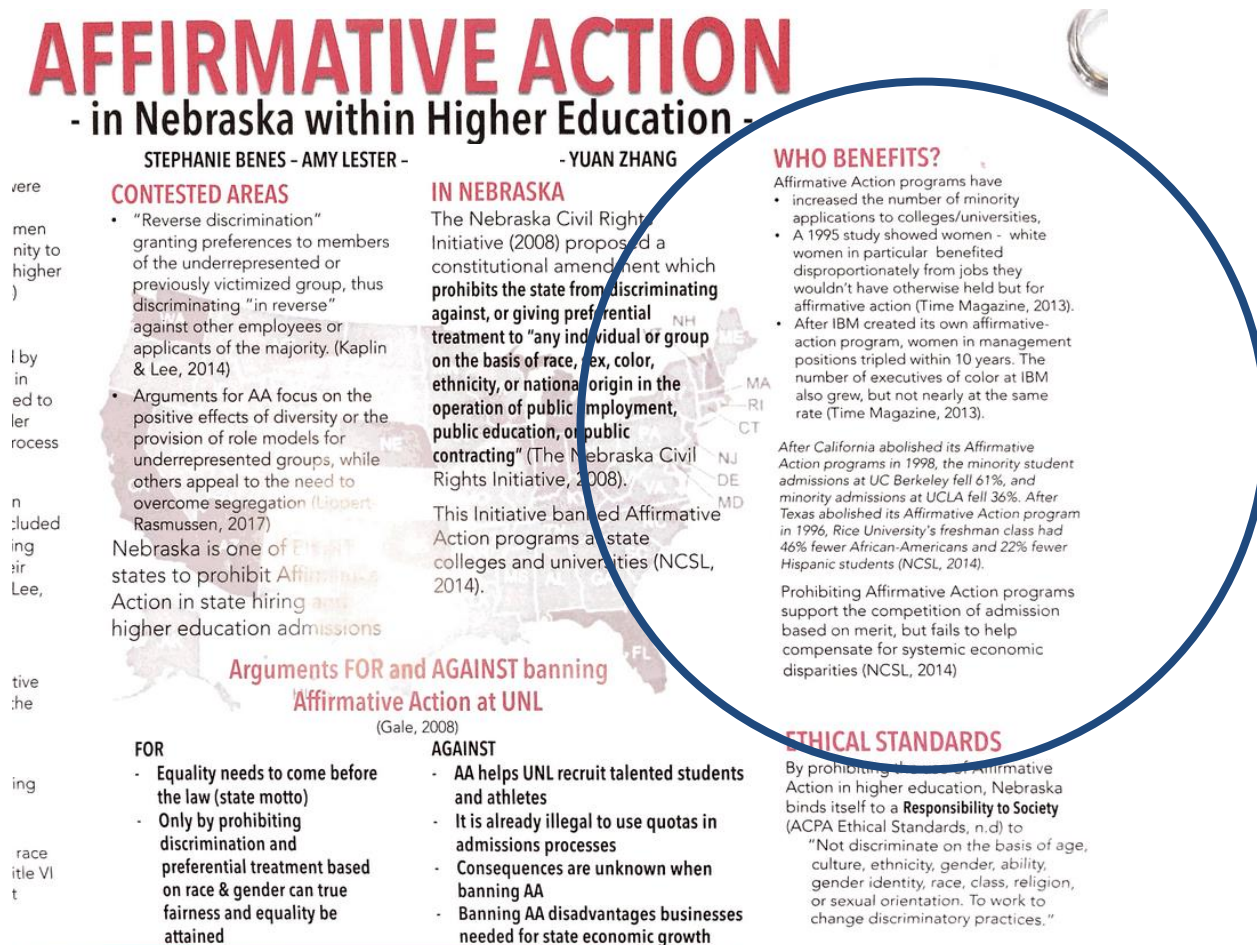
Inequities

- "*Nebraska Players who Kneeled During Anthem Criticized by Regents, Governor*"
 - Nebraska Governor and a Board of Regents member openly criticized Nebraska football players for using their rights to peacefully protest and wanted them removed from the football team. (Associated Press, 2016)
- "*Missouri Records Show Students Feared by Violence and Felt Targeted by Protesters*"
 - Students on the campus of the University of Missouri felt targeted and attacked by students who were using their rights to peacefully protest. (Melchior, J. K., 2016)

Professional Considerations

- Something to consider when discussing the terms of freedom of speech is **Student Learning and Development** and **Responsibility to Society** because both of those embody our ethical duty the institution (ACPA: College Student Educators International, 2006)
- Take into account providing the community

Appendix H Figure 4. Example Final Submission Showing Power Dynamics Revised To Explain Who Has Power or Benefits



Appendix I: Examples of Final Law Assignment Showing Incorporation of Professional Standards

Appendix I Figure 1. Example of a Draft Submission for the Final Project Showing List of Ethical Standards

Discrimination in the Workforce

Richardson v. Northwest Christian University

Summary of the Case:

is a professor at Northwest Christian University, a non-profit Christian university in Oregon. When she was pregnant, she approached her employer to arrange her maternity leave plan and revealed that she was living with her boyfriend. She was informed of three options: cease living with her boyfriend, marry her job. Coty refused to rectify her living situation, and she was fired.

She filed a lawsuit in state court and a complaint with the Equal Employment Opportunity Commission.

On the basis of both sex/pregnancy and marital status > violating Title VII and state law that prohibit discrimination on the basis of marital status > violating the Faculty Handbook

The university's perspective:

The university and faculty are expected to demonstrate through their actions how they live into their jobs and every day life. This is expressed in each job description they post, so Coty's violation of the Christian faith at the institution. Her termination was based on her conduct; not her marital status.

The university outlines that employment could be terminated at any time for cause, including "professional incompetence to meet performance responsibilities, moral delinquency, or lack of commitment to the mission of the university. Only the university's administration alone decides what constitutes as professional incompetence, so Coty's decision. Coty's pregnancy outside of marriage and cohabitation with the father are not protected under the university's faith-based perspective.

Title VII

Discrimination against someone in regards to their employment based on their race, color, religion, sex, or national origin.

Types of Title VII claims:

Direct discrimination (i.e. one that will differentiate on the basis of a protected classification)

Disparate impact (i.e. one that has a discriminatory impact on its face, but has a discriminatory impact (i.e. it is found that there is a discriminatory pattern that has emerged based on a protected classification))

3. An employer intentionally discriminated based on a protected characteristic

Occupational Qualification

A characteristic that is reasonably necessary for the normal operation of that particular business and is unlawful to hire those with that characteristic.

Equal Employment Opportunity Commission

Investigates allegations of employment discrimination and makes a determination. They can then enforce the law by filing a lawsuit if necessary.

By the Numbers...

Total Resolutions in 2016

The total number of allegations filed to the EEOC for employment discrimination in the last fiscal year.

Total Resolutions: 60,873

Pregnancy Discrimination Resolutions in 2016

The total number of allegations filed to the EEOC for pregnancy discrimination in the last fiscal year.

Total Resolutions: 3,792

From these statistics, who do you think is most affected?

Ethical Considerations

- CAS Statement of Shared Ethical Standards
 - + Justice
 - + Fidelity
- ACPA Ethical Principles & Standards
 - + Responsibility to Institution
- Professional Standards
 - + Ethical Professional Practice
 - + Personal Foundations
 - + Law, Policy, & Governance

REFERENCES

College Student Educators International & NASBA - Student Affairs Administrators in Higher Education (2015). *ACPA/ASHE professional competence areas for student affairs professionals*. Washington, DC: Author.

American Counseling Association. (2008). *ACA statement of ethical principles and standards*. Alexandria, VA: American Counseling Association.

Association for the Advancement of Diversity in Higher Education (AADHE). (2014). *CAS professional standards for higher education* (3rd ed.). Washington, DC: Author.

Gutierrez, D. B. (2017, February 12). *Discrimination: What's the Deal? Retrieved from https://www.baylor.edu/newsroom/entry.php?id=117&news_category=11*

Kaplan, W. A., & Liu, W. A. (2014). *The College and Its Employment: Is the Law of Higher Education Still in Use?* (pp. 150-165). Retrieved from Wiley & Sons.

Richardson v. NORTHWEST CHRISTIAN UNIVERSITY, No. 6:15-cv-01856-AA-ID. On March 16, 2017.

U.S. EEOC. (2016, July 8 aug.). *This Year of the Civil Rights Act of 1964: Changes filed with EEOC include consent decrees with ADEA, ADA and BAA*. Retrieved from <http://www.eeoc.gov/eeoc/statistics/publications/10.c.c.r.a.pdf>.

Appendix I Figure 2. Example of a Final Submission for the Final Project Showing Application of Ethical Standards

n University, 2017). Clearly, the university's administration alone decides what they hold the power in this decision. Coty's pregnancy outside of marriage is incompatible with the university's faith-based perspective.

Title VII

regards to their employment based on their race, color, religion, sex, or national origin. (Kaplin & Lee, 2017)

Types of Title VII claims:

y (i.e. one that will differentiate on the basis of a protected classification)
discriminatory impact (i.e. it is found that there is a discriminatory pattern based on a protected classification)
 y discriminated based on a protected characteristic

Legal Tests

- Is there evidence of bias?
- What is the employer's reason for the difference in treatment?
- Does the evidence show the employer's reason for the difference in treatment is untrue and the real reason for the different treatment is a protected characteristic?

Ethical Considerations

Ethical Professional Practice (ACPA & NASPA, 2015)

Resolve any incompatibility between ethical standards of the institution and its employees. This means clearly articulating the influence of religion on ethical standards, rather than implying it or leaving it up to interpretation.

References:

ACPA. (2015). *Student Affairs Administrators in Higher Education (CASRA) ACPA/NASPA professional competency areas for student affairs professionals*. Washington, DC: Author.
 Anti-Discrimination in Employment. (2013). *Congressional Digest*, 92(14), 5-11.
<http://www.prospecteditorial.com/2013/04/11/anti-discrimination-in-employment/>
 ACPA. (2017). *Student Affairs Administrators in Higher Education (CASRA) ACPA/NASPA professional competency areas for student affairs professionals*. Washington, DC: Author.
 ACPA. (2017). *Student Affairs Administrators in Higher Education (CASRA) ACPA/NASPA professional competency areas for student affairs professionals*. Washington, DC: Author.
 ACPA. (2017). *Student Affairs Administrators in Higher Education (CASRA) ACPA/NASPA professional competency areas for student affairs professionals*. Washington, DC: Author.
 ACPA. (2017). *Student Affairs Administrators in Higher Education (CASRA) ACPA/NASPA professional competency areas for student affairs professionals*. Washington, DC: Author.
 ACPA. (2017). *Student Affairs Administrators in Higher Education (CASRA) ACPA/NASPA professional competency areas for student affairs professionals*. Washington, DC: Author.

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